

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 JASON TUTTLE,

8 Plaintiff,

9 v.

10 WASHINGTON & IDAHO  
11 RAILWAY, INC., an Idaho  
12 corporation, MIDWEST PACIFIC  
RAIL NET & LOGISTICS CO., a  
Missouri company,

13 Defendants.

NO: 2:19-CV-0178-TOR

ORDER RE: NOTICE OF DISMISSAL  
OF DEFENDANT MIDWEST  
PACIFIC RAIL NET & LOGISTICS  
CO.; GRANTING MOTION TO  
STRIKE

14 BEFORE THE COURT is the parties' Stipulation of Dismissal of Defendant  
15 Midwest Pacific Rail Net & Logistics Co. (ECF No. 14). The Motion was  
16 submitted without a request for oral argument. The Court has reviewed the motion  
17 and the file herein, and is fully informed.

18 Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), the parties  
19 agree to the dismissal of Defendant Midwest Pacific Rail Net & Logistics Co  
20 without prejudice and without costs to any party. ECF Nos. 14 at 2, ¶ 5; 14-2 at 1.

ORDER RE: NOTICE OF DISMISSAL OF DEFENDANT MIDWEST  
PACIFIC RAIL NET & LOGISTICS CO.; GRANTING MOTION TO  
STRIKE ~ 1

1 The claim against Midwest Pacific Rail Net & Logistics Co. is hereby **dismissed**  
2 **without prejudice.**

3 “The parties also agree that the Appearance and Answer filed by Mr. Nelson  
4 may be stricken from the record . . . as Nelson is not a party to this case.” ECF No.  
5 14 at 2, ¶ 6. Given the Answer was submitted by a non-party, the Court will **strike**  
6 the Answer (ECF No. 12); there is no separate “Appearance” to strike.

7 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 8 1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A), any and all claims against the  
9 Defendant Midwest Pacific Rail Net & Logistics Co. are hereby  
10 **DISMISSED** without prejudice and without an award of costs or  
11 attorney’s fees to any party.
- 12 2. Non-party Karl and Stephanie Nelson’s Answer (ECF No. 12) is  
13 **STRICKEN** from the record.

14 The District Court Executive is hereby directed to **enter** this Order, **strike**  
15 the Nelsons’ Answer (ECF No. 12) from the record, **terminate** Defendant Midwest  
16 Pacific Rail Net & Logistics Co. from the case, and **furnish** copies to counsel.

17 **DATED** August 8, 2019.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
Chief United States District Judge